

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 1, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers located on the first floor at 101 City Hall Plaza with the following members present: Mayor William V. "Bill" Bell, Mayor Pro-Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Brown.

[CEREMONIAL ITEMS]

Prior to the start of the council meeting, Carrington Middle School Strings, under the direction of Alisyn Rogerson, provided several classical musical selections. Mayor Bell thanked Ms. Rogerson and the Carrington Middle School Strings for their performance.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council. There were no announcements.

[PRIORITY ITEMS]

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

The City Manager and City Attorney responded that they had no priority items.

City Clerk Gray stated that a protest petition had been filed against Item #30, Zoning Map Change, North Mangum Residential (Z1400042); and stated it was determined to be invalid.

MOTION by Council Member Moffitt, seconded by Mayor Pro-Tempore Cole-McFadden, to accept the City Clerk's priority item was approved at 7:06 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[E-TOWN HALL MEETING FOR FY2015-16 BUDGET]

Mayor Bell introduced the item; noted that those attending the meeting could submit questions and additional questions would be accepted electronically; and deferred to WRAL/Fox50 Anchor Ken Smith who moderated the E-Town Hall meeting.

Mr. Smith read questions as listed below and noted to which Council Member for response:

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	<u>Name</u>	<u>Date Received</u>	<u>Question</u>	<u>Suggested Council Member</u>
1	Anonymous	5/21/2015	In past years the tax rate kept getting raised for specific things like housing and parks. When the Southside project is finished, will that part of the tax rate get lowered again?	Mayor
2	Anonymous	5/28/2015	How has the General Assembly's decision to eliminate privilege taxes or business license fees impacted the budget and how will the revenue loss be made up?	Brown
3	Anonymous	5/28/2015	Our streets are abysmal--I'm frequently paying for new tires, and getting wheel alignments monthly. I don't think it's fair we have to pay so much in taxes when I already pay a higher "tax" living in Durham due to frequent vehicle repairs. Will the City reimburse me for all of the repairs I have to do because of living here? Or will they start directing more of my tax dollars to street repair?	Catotti
4	Anonymous	5/28/2015	Children are our future, and it's imperative that we have programs in place to support them and keep them off the streets. What programs does Durham offer for our youth?	Cole-McFadden
5	Anonymous	5/28/2015	The Police Department has had various listening sessions regarding Body Cameras. Does this budget include any funding for Police Body Cameras?	Davis
6	Linda Rowland	19-May	Why does the City put \$2.1M towards arts and culture programs like the Carolina Theatre, Durham Arts Council, the Full Frame Documentary Festival, etc..?	Moffitt
7	Anonymous	5/27/2015	There have been several cyclist deaths this year. What is Durham doing to make streets safer for cyclists?	Schewel

8	Anonymous	5/29/2015	We started going to that Fullsteam / Motorco / Geer St Garden / Pit area about once a week. No matter what night we go, there are always cars parked all over the place. Parking will probably only get worse. I would love to see more parking over there.	Mayor
9	Michael Kerkau	6/1/2015	We see brand new "Hybrid" buses on the roads, yet many routes are "fare-free" - meaning tax-payer funded and not sufficiently utilized. Why are we wasting money to improve an infrastructure that is oversized for the ridership we have?	Brown
10	Nick Jones	5/29/2015	I'm curious if there is anything for new sidewalks? I live on the 500 block of East Trinity Avenue. There are cars whizzing by and a fair amount of foot traffic, but there is nowhere safe to walk. If cars are parked on the street, it's even more dangerous because pedestrians have to walk around them. This is all near the semi-busy intersection of Trinity and Avondale.	Catotti
11	Anonymous	5/28/2015	I've been reading the preliminary budget and I am shocked that so much of our taxpayer money is devoted to employees. Why isn't more of that money directed toward alleviating poverty or improving our schools?	Cole-McFadden
12	Anonymous	5/29/2015	I am a student at Northern High School in the culinary program. I want to be able to ride the bus in Durham, but it takes forever to get home. If I caught it right after school at 2:30, I would not get home until after 4 pm. It takes almost an hour to get to Durham Station because there are over 50 stops on the way. Could you look at doing express routes like TTA does?	Davis

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13	Anonymous	5/21/2015	Durham seems to have a lot of parks. Many do not seem to be used very much. In other places I've lived, there have been larger, more regional parks that were destinations for people. Why do we have so many small, less useful parks that still require lots of maintenance when resources could be more focused and be more effectively used?	Moffitt
14	Anonymous	5/28/2015	I've been impressed with the Downtown Revitalization efforts over the past few years. What is the City doing to encourage continued economic development?	Schewel
15	Anonymous	5/29/2015	I purchased my yard waste cart back in 2001 for \$90. I got a letter in the mail saying that my fees were going up by \$1.50 per month which is the cart rental fee that some people are already paying because they did not buy their carts. Why am I now going to be charged the same as someone who did not buy their cart?	Moffitt
16	Anonymous	5/28/2015	Durham has seen significant growth during the past several years, specifically in the downtown area. As growth continues what are City leaders doing to prepare for this growth in terms of parking, streets and public safety?	Schewel

Mayor Bell and his colleagues acknowledged and appreciated the questions brought forth from the public; and expressed appreciation for Mr. Smith moderating the E-Town Hall.

**SUBJECT: PUBLIC HEARING ON THE PROPOSED FY2015-16 BUDGET AND
FY2016-2021 CAPITAL IMPROVEMENT PLAN (CIP)**

Mayor Bell stated that the public hearing on the Proposed FY2015-16 Budget and FY2016-2021 Capital Improvement Plan (CIP) would now proceed.

Mayor Bell opened the public hearing and stated there were six speakers to the item.

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David Fellerath, representing the Durham Soccer Council, spoke in support of a new multi-field athletic complex and encouraged Council's support of the facility.

John Goebel, representing new Durham Parks Foundation and the Open Space and Trails Foundation, expressed appreciation for Council's support of trails and open-space projects; encouraged future support; and stated that for the next budget cycle, a detailed plan would be proposed for Council's support.

Larry Brockman, resident of Durham, expressed support for greenways and trails; spoke to future projects; requested that Council support more planning and suggestions for funding; and highlighted the North Ellerbee Creek Trail as a trail ready to be walked for minimal cost.

Sandy Sweitzer, representing Triangle Land Conservancy, emphasized the need for access to open space; encouraged connector trails within Durham that led to larger trails; and spoke to the health benefits of greenways and trails.

Juan Castro, spoke to the needs of recreational soccer in the community; addressed the need for additional soccer fields; and requested that the fields stay open beyond the hours of 9 p.m.

Pete Sadin, representing Triangle Futbol Club Alliance, stated that his organization was a youth organization; emphasized that Durham lacked soccer fields; advocated for athletic facility in Durham which could provide a positive economic impact; noted currently all the economic benefit for soccer tournaments in this area was being realized by Wake County and Fayetteville.

Gwyn Silver, resident of Durham, spoke to the removal of a \$50,000 budget appropriation for Northeast Central Durham for police protection in the 2012-13 budget; stated the item had been discontinued; and requested that the line item of \$50,000 be reinstated in the Police budget.

Mayor Bell asked if there were any additional speakers on the item; there being none, he declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to receive the comments on the proposed FY2015-16 Budget and FY2016-2021 CIP was approved at 8:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Mayor Bell verified that Council members would continue to discuss the budget with the administration; noted a final vote was expected to be taken at the second Council meeting in June; and encouraged the public to continue providing feedback.

Mayor Bell explained that the Consent Agenda was approved with a single motion and items pulled from the agenda by any citizen or Council Member would be discussed at the end of the agenda.

Mayor Bell read each item on Consent Agenda and pulled Item #9, Durham-Chapel Hill Boulevard (Business 15-501) Road Reconfiguration Project, for discussion later in the meeting.

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the Consent Agenda with exception of “Durham-Chapel Hill Boulevard (Business 15-501) Road Reconfiguration Project” was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the City Council Minutes for the April 6, 2015 City Council Meeting and the April 9, 2015 City Council Work Session was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMISSION - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to appoint Pandora Simpson to the Recreation Advisory Commission with the term to expire on August 8, 2016 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to appoint Michael Kriston as an Alternate Member to the Durham Board of Adjustment with the term to expire on June 30, 2018 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to appoint Esteban Bortiri to the Durham Bicycle and Pedestrian Advisory Commission representing Bicycle Commuting with the term to expire on August 31, 2016 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: HEALTH BENEFITS PERFORMANCE AUDIT (APRIL 2015)

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive and accept the Health Benefits Performance Audit dated April 2015 as presented and approved at the April 27, 2015 Audit Services Oversight Committee meeting was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: AUDIT BASIC FINANCIAL STATEMENTS OF THE CITY

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the contract submitted by the Local Government Commission on behalf of Cherry Bekaert LLP, external auditor was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: SETTING FILING FEES FOR CANDIDATES TO MUNICIPAL OFFICE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Ordinance Setting Filing Fees for Candidates to Municipal Office in the City of Durham was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14754

SUBJECT: 2014 ANNUAL REPORT – BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to accept the 2014 Annual Report of the Bicycle and Pedestrian Advisory Commission was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: SPEED HUMP POLICY REVISIONS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the revised City of Durham Speed Hump Policy was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

CITY OF DURHAM SPEED HUMP POLICY

Speed humps may be approved for installation on City maintained streets where conditions meet the following criteria:

1. A petition bearing the signatures of at least 75% of the property owners within the affected block (i.e., property owners with lots abutting the petitioned street blocks) is required. The petition form supplied by the Department of Transportation must be used in obtaining signatures.
2. The street must be functionally classified as a local street. Speed humps are not permitted on transit routes or thoroughfares as identified by the Durham-Chapel Hill-Carrboro Urban Area Thoroughfare Plan or by the Comprehensive Transportation Plan when its adoption supersedes the Thoroughfare Plan. The street must be residential in nature with: a posted speed limit of 25 mph or less, a minimum average daily traffic (ADT) volume of 250 vehicles per day, and a maximum ADT of 2000 vehicles per day (unless a component of a comprehensive local traffic management plan). The street must be paved and provide adequate drainage.

Speed humps may be placed a maximum of 750 feet apart (275 foot intervals is ideal) and a minimum of 200 feet from intersections where approaches of the street in question are controlled by traffic signals or stop signs. On streets where the intersection approaches are uncontrolled, humps may be placed a minimum of 100 feet from the intersection. Speed humps should be installed so as to avoid several street features. These include drainage features, utilities, driveways, severe horizontal or vertical curves and traffic control devices. All humps will be placed in close proximity to property lines whenever possible. Humps shall not be placed on streets less than 750 feet in length.

3. The Department of Transportation will review the traffic on the street when a request is made. Components of this review may include traffic counts, speed studies, and accident analyses. The 85th percentile speed on the street must exceed the posted speed limit by more than 10 miles per hour to warrant the installation of speed humps. If not already in place, the Department of Transportation will study and determine whether the speed limit should be reduced to 25 miles per hour. A follow up speed study will occur three months after this speed limit reduction. Alternative traffic control options will be evaluated as part of the review.
4. The Department of Transportation, in analyzing the request for speed humps, shall be responsible for soliciting input from emergency services, utilities (private and public) and other key agencies (including school transportation and refuse removal services). If the necessary criteria under this Policy are met to justify the installation of speed humps, but one or more of these agencies objects, a final determination will be made by the City Manager.
5. Notwithstanding criteria number 1 (a petition bearing the signatures of 75% of the property owners within the affected block for which speed humps are requested), the City Council may approve the installation of speed humps on City maintained public streets when so doing is determined to be in the interest of public safety. Such approval may occur after City Council has ordered a study pursuant to a request for speed humps, held a

public hearing at which the findings and recommendations of the study have been presented and determined that speed humps are the most effective remedy to the public safety concern. The study conducted pursuant to this section shall consider the impact of speed humps on the delivery of emergency services and shall also consider other alternatives to address the concerns of public safety. Property owners within the block(s) for which speed humps are considered for installation in accordance with this section of the Speed Hump Policy shall be contacted and afforded an opportunity to comment on the proposed installation of speed humps and the findings of the study. Council shall consider the findings and recommendations of the study and comments received at the public hearing in making a determination on the installation of speed humps.

6. Notwithstanding the minimum volume criteria set forth in criteria 2 above, speed humps may be installed in the following unique circumstances:
 - a. On streets within 1000 feet of a school or park with the speed criteria in 3 above; pending receipt of a valid petition in accordance with criteria 1 above.
 - b. On streets where the Durham Police Department recommends speed hump installation as part of a comprehensive crime reduction program.
7. The installation of speed humps is subject to the availability of funding. Those streets not meeting these criteria will be considered for alternative measures where appropriate.
8. Following an adequate review and analysis period, speed humps may be removed if a petition with signatures from a majority (more than 50%) of the affected property owners is obtained, or where traffic circulation and safety concerns justify their removal as determined by the City Manager. Speed humps installed pursuant to Section 5 of this policy shall be removed only upon order of City Council.

SUBJECT: BID REPORT- APRIL 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2015 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.



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City of Durham | North Carolina

Date: May 5, 2015

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor

Subject: Bid Report - April 2015

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2015

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Automobiles-Trucks**

Purpose of Bid: Provides the Fleet Management with one (1) replacement truck for the General Services Department-Landscaping Division (4x4 Extended Cab V6)

Comments:

Opened: 4/8/2015

Bidders: University Ford Inc. * \$25,435.00
Durham, NC
Sir Walter Chevrolet \$25,839.00
Raleigh, NC

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	140	# Black Males	20	14
				%
Total # Females	19	# White Males	100	71
				%

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Total # Males	121	86 %	# Other Males	1	1%
			# Black Females	1	1%
			# White Females	18	13%
			# Other Females	0	0%

2. **Bid:** **Automobiles-Trucks**
Purpose of Bid: Provides the Fleet Management with one (1) replacement truck for Public Works Department-Street Maintenance Division (4x4 Extended Cab, V8)
Comments:

Opened: 4/8/2015

Bidders: Sir Walter Chevrolet * \$26,366.00
Raleigh, NC
University Ford \$27,025.00
Durham, NC

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	55		# Black Males	5	10%
Total # Females	14	25%	# White Males	34	62%
Total # Males	41	75%	# Other Males	2	3%
			# Black Females	1	2%
			# White Females	11	20%
			# Other Females	2	3%

3. **Bid:** **Automobiles-Trucks**

Purpose of Bid: Provides the Fleet Management with one (1) replacement truck for Police Department-Surveillance Division, one (1) replacement for Police Department-Selective Enforcement Division and one (1) replacement for General Service Department-Cemetery Maintenance Division. (2x4 Crew Cab , V6)

Comments:

Opened: 4/8/2015
3 trucks @
\$26,540

Bidders: University Ford Inc. * \$79,620.00
Durham, NC
Sir Walter Chevrolet No Bid
Raleigh, NC
Piedmont Truck Inc. No Bid
Greensboro, NC

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	140	# Black Males	20	14%
Total # Females	19	# White Males	100	71%
Total # Males	121	# Other Males	1	1%
		# Black Females	1	1%
		# White Females	18	13%
		# Other Females	0	0%

4. Bid: Automobiles-Trucks

Purpose of Bid: Provides the Fleet Management with one (1) replacement truck for Fire Department -Building Maintenance Division (4x4 Regular Cab, V6).

Comments:

Opened: 4/8/2015

Bidders: University Ford Inc. * \$23,500.00
Durham, NC
Sir Walter Chevrolet \$24,622.00
Raleigh, NC

June 1, 2015

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	140		# Black Males	20	14%
Total # Females	<u>19</u>	<u>14%</u>	# White Males	<u>100</u>	<u>71%</u>
Total # Males	<u>121</u>	<u>86%</u>	# Other Males	<u>1</u>	<u>1%</u>
			# Black Females	<u>1</u>	<u>1%</u>
			# White Females	<u>18</u>	<u>13%</u>
			# Other Females	<u>0</u>	<u>0%</u>

5.

Bid:

Automobiles-Trucks

Purpose of Bid:

Provides the Fleet Management with one (1) replacement truck for General Services-Landscaping Division and one (1) replacement vehicle for Solid Waste- Residential Collections Division (2x4 Regular Cab, V6).

Comments:

Opened:

4/8/2015
2 trucks @
\$21,741.00

Bidders:

Sir Walter Chevrolet
Raleigh, NC
University Ford Inc.
Durham, NC

* \$43,482.00

\$43,604.00

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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Total Workforce	55		# Black Males	1	10%
Total # Females	14	25%	# White Males	34	62%
Total # Males	41	75%	# Other Males	2	3%
			# Black Females	1	2%
			# White Females	11	20%
			# Other Females	2	3%

6. **Bid:** **Automobiles-Trucks**
- Purpose of Bid: Provides the Fleet Management with two (2) replacement trucks for Public Works Department-Maintenance Division. (4x4 Extended Cab)
- Comments:
- Opened: 4/8/2015
2 trucks @ \$29,397.00
- Bidders: Piedmont Truck Inc. * \$58,794.00
Greensboro, NC
University Ford Inc. \$61,784.00
Durham, NC
- *Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	82		# Black Males	2	3%
Total # Females	6	6%	# White Males	72	87%
Total # Males	76	94%	# Other Males	2	3%
			# Black Females	0	0%
			# White Females	6	7%
			# Other Females	0	0%

7. **Bid:** **Automobiles-Trucks**
 Purpose of Bid: Provides the Fleet Management with one (1) replacement trucks for General Services Department-Landscaping Division (4x4 Crew Cab)
 Comments:
- Opened: 4/8/2015
- Bidders: Piedmont Truck Inc. * \$30,789.00
 Greensboro, NC
 University Ford Inc. \$32,278.00
 Durham, NC
- *Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	<u>82</u>		# Black Males	<u>2</u>	<u>3%</u>
Total # Females	<u>6</u>	6%	# White Males	<u>72</u>	<u>87</u>
					%
Total # Males	<u>76</u>	<u>94</u>	# Other Males	<u>2</u>	<u>3%</u>
		%			
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>6</u>	<u>7%</u>
			# Other Females	<u>0</u>	<u>0%</u>

8. **Bid:** **Automobiles-Trucks**
 Purpose of Bid: Provides the Fleet Management with one (1) replacement trucks for Water Management -Meter Maintenance Division (2x4 Crew Cab/Chassis).
 Comments:
- Opened: 4/8/2015
- Bidders: Piedmont Truck Inc. * \$36,754.00
 Greensboro, NC
 University Ford Inc. \$37,194.00
 Durham, NC

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>82</u>		# Black Males	<u>2</u>	<u>3%</u>
Total # Females	<u>6</u>	6%	# White Males	<u>72</u>	<u>87</u>
					<u>%</u>
Total # Males	<u>76</u>	<u>94</u>	# Other Males	<u>2</u>	<u>3%</u>
		<u>%</u>			
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>6</u>	<u>7%</u>
			# Other Females	<u>0</u>	<u>0%</u>

9.

Bid: Taser Guns and Accessories

Purpose of Bid: Provides the Police Department with 34 (thirty-four) tasers guns and accessories for police officers

Comments: Lawmen's is the sole authorized provider for tasers guns and accessories for the State of North Carolina.

Opened: 4/9/2015
34 sets @
\$1290.50

Bidders: Lawmen's * \$43,877.00
Raleigh, NC

*Awarded based on: Low Bid x Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>40</u>		# Black Males	<u>1</u>	<u>3%</u>
Total # Females	<u>13</u>	33	# White Males	<u>24</u>	<u>59</u>
		<u>%</u>			<u>%</u>
Total # Males	<u>27</u>	<u>67</u>	# Other Males	<u>2</u>	<u>5%</u>
		<u>%</u>			
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>12</u>	<u>30</u>
			# Other Females		<u>%</u>

			# Other Females	1	3%
				_____	_____
10.	Bid:	Truck Bodies			
	Purpose of Bid:	Provides the Fleet Maintenance Department with two (2) replacement service truck bodies for Water Management- Meter Maintenance.			
	Comments:				
	Opened:	4/14/15 2 truck bodies each @ \$7,569.00			
	Bidders:	Cook Truck Equipment & Tools Inc. Charlotte, NC	*	\$15,178.00	
		Quality Truck Bodies & Repairs, Inc. Wilson, NC		\$16,366.00	
	*Awarded based on:	x Low Bid	Other (See Comments)		
		_____	_____		

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	0	3%
Total # Females	5	31	# White Males	11	59
		%			%
Total # Males	11	69	# Other Males	0	5%
		%			
			# Black Females	0	0%
			# White Females	5	30
					%
			# Other Females	0	3%

11.	Bid:	Automobiles-Trucks			
	Purpose of Bid:	Provides the Fleet Management with one (1) replacement vehicle for the Neighborhood Improvement Services (NIS). (2015 Ford Escape)			
	Comments:				
	Opened:	4/16/15			
	Bidders:	Capital Ford Raleigh, NC	*	\$19,100.00	
		University Ford Inc.		\$19,269.00	

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Durham, NC

*Awarded based on:	x	Low Bid	Other (See Comments)
	_____		_____

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	383		# Black Males	62	16%
Total # Females	78	20%	# White Males	231	60%
Total # Males	305	80%	# Other Males	14	4%
			# Black Females	10	3%
			# White Females	62	16%
			# Other Females	4	1%

12. Bid: Pumps and Pumps Accessories

Purpose of Bid: Provides the Water Management Department with 2 (two) replacement reclaim water pumps systems for Mist Lake Water Management Facility.

Comments: Clearwater Sales Inc. is the sole authorized provider for the purchase of Fairbanks Morse Municipal Pumps products for the State of North Carolina.

Opened: 4/16/2015
2 pumps @ \$31,750.00

Bidders: Clearwater Sales Inc. * \$63,500.00
Hickory, NC

*Awarded based on:		Low Bid	x	Other (See Comments)
	_____		_____	

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	34		# Black Males	0	0%
Total # Females	9	26	# White Males	23	68
		18			

		%		%	
Total # Males	25	74	# Other Males	2	6%
		%			
			# Black Females	0	0%
			# White Females	9	26%
			# Other Females	0	0%

13.

Bid:

Water Meters

Purpose of Bid:

Provides the Water Management Department with one hundred (100) replacement water meters for use by Water and Sewer Operations Division.

Comments:

Opened:

4/17/2015
100 water meters each @ \$175.00

Bidders:

HD Supply Raleigh, NC	*	\$17,500.00
Diversified Mechanical Ltd. Durham, NC		\$18,500.00
Neptune Technology Group, Inc. Tallassee, AL		\$19,050.00

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	3	19%
Total # Females	1	6%	# White Males	12	75%
Total # Males	15	94%	# Other Males	0	6%
		%	# Black Females	0	0%
			# White Females	1	6%
			# Other Females	0	0%

14.

Bid:

Communications Equipment

Purpose of Bid:

Provides the Fleet Maintenance Department with forty (40) replacement radio conversion kits for the Police Department.

Comments: NC State Contract 725G

Opened: 4/24/2015
40 kits @
\$332.73

Bidders: Motorola Solutions * \$13,309.20
Siler City, NC

*Awarded based on: _____ Low Bid _____ x Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	623		# Black Males	224	4%
	0				
Total # Females	157	25	# White Males	337	54
	6	%		5	%
Total # Males	465	75	# Other Males	105	17
	4	%		5	%
			# Black Females	123	2%
			# White Females	100	16
				5	%
			# Other Females	448	7%

14.

Bid: Communications Equipment

Purpose of Bid: Provides the Water Management Department with fifteen (15) replacement 2-way radios to facilitate the new radio system upgrade.

Comments: NC State Contract 725G

Opened: 4/23/2015
15 radios @
\$3,654.50

Bidders: Motorola Solutions * \$54,817.50
Siler City, NC

*Awarded based on: _____ Low Bid _____ x Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

June 1, 2015

Total Workforce	623		# Black Males	224	4%
	0				
Total # Females	157	25	# White Males	337	54
	6	%		5	%
Total # Males	465	75	# Other Males	105	17
	4	%		5	%
			# Black Females	123	2%
			# White Females	100	16
				5	%
			# Other Females	448	7%

15.

Bid:

Truck Bodies

Purpose of Bid:

Provides the Fleet Maintenance Department with two (2) replacement service truck bodies for Water Management-Facilities/Pump Station Maintenance. (4x4 Cab)

Comments:

Opened:

4/29/2015
2 truck bodies each @
\$7,589.00

Bidders:

Cook Truck Equipment & Tools Inc. Charlotte, NC	*	\$15,178.00
Quality Truck Bodies & Repairs, Inc. Wilson, NC		\$16,366.00

*Awarded based on:

x

Low Bid

Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	1	3%
Total # Females	5	31	# White Males	24	59
		%			%
Total # Males	11	69	# Other Males	2	5%
		%			
			# Black Females	0	0%

SUBJECT: PROPOSED SALE OF 2300 NEVADA AVENUE BY UPSET BID, PARCEL ID 104496 (CITY TRACT 810) – B. WALLACE DESIGN & CONSTRUCTION

June 1, 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to declare the Subject Property at 2300 Nevada Avenue as surplus;

To propose to accept the offer of \$32,500.00 from B. Wallace Design & Construction, LLC to purchase the property at 2300 Nevada Avenue and advertise for upset bids pursuant to the Upset Bid Procedure (G. S. 160A-269);

To authorize the City Manager to accept the bid from the highest responsible bidder at the conclusion of the upset bid process, pursuant to Section 86.3 of the City Charter; and

To authorize the City Manager or the Mayor to convey Parcel ID 104496 with a non-warranty deed was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITIONS FOR THE WEST ELLERBEE CREEK TRAIL – PHASE II PROJECT – ACQUISITION OF APPROXIMATELY 0.88 ACRES AND GRANT OF ADDITIONAL GREENWAY USE OF 0.04 ACRES OF EXISTING UTILITY EASEMENT ACROSS A PORTION OF 1510 NORTH POINTE DRIVE (PARCEL ID #126269) AND A PORTION OF 1515 NORTH POINTE DRIVE (PARCEL ID #12668)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the acquisition of approximately 0.88 acres and grant of additional greenway use of 0.04 acres of existing utility easement across a portion of 1510 North Pointe Drive (Parcel #126269) from North Pointe-CGL, LLC for a purchase price of \$38,000.00; and

To approve the acquisition of approximately 0.27 acres and grant of additional greenway use of 0.4 acres of existing utility easement across a portion of 1515 North Pointe Drive (Parcel 4 #126268) from North Pointe Development Associates, L.P. for a purchase price of \$18,000.00. was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM PUBLIC SCHOOLS TO FUND THE DURHAM YOUTHWORX INTERNSHIP PROGRAM

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute the Inter-local Agreement between the City of Durham and Durham Public Schools to accept the Durham Public Schools Career and Technical Education grant funds for summer internship programs;

To authorize the City Manager to execute any related grant documents that may be required for the Inter-local Agreement; and

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To adopt the Durham YouthWork Internship Program 2015-2016 Durham Public School Career and Technical Education Grant Project Ordinance in the amount of \$75,000.00 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14755

**SUBJECT: MANAGEMENT AGREEMENT FOR A PUBLIC ART PROJECT –
DOWNTOWN DURHAM, INC.**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a contract with Downtown Durham, Inc. for the management of a public art and lighting project on Main Street was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: RESOLUTION TO SUPPORT THE UPPER NEUSE RIVER BASIN
ASSOCIATION (UNRBA) MONITORING FOR THE RE-EXAMINATION
OF THE FALLS LAKE STAGE II GOALS AT THE PROPOSED FUNDING
LEVEL**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt a Resolution Supporting the UNRBA FY2016 funding level of \$896,300.00 with a City of Durham contribution of \$197,028.63 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9927

**SUBJECT: TELECOMMUNICATION LICENSE AGREEMENT WITH FRONTIER
COMMUNICATION OF THE CAROLINAS, LLC**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to enter into a Telecommunication License Agreement with Frontier Communication of the Carolinas, LLC to install and maintain Telecommunications Facilities within public right-of-way within City limits was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the May 21, 2015 Work Session:

**14. Proposed Condemnation of Property Located at 3039 University Drive
(Parcel ID #123182) for the University Drive Sidewalk Project**
(This item was deferred to the June 15, 2015 City Council Meeting)

15. **Proposed Condemnation of Property Located at 3033 University Drive (Parcel ID #123184) for the University Drive Sidewalk Project**
(This item was deferred to the June 15, 2015 City Council Meeting)
20. **Completion of Street and Stormwater Infrastructure in Stone Hill Estates and Ravenstone Subdivisions**
(This item was referred back to the Administration – Public Works Dept.)
22. **Sidewalk Project Delivery and Prioritization Presentation**
(A presentation was received at the 05-21-15 Work Session)
23. **FY2014-15 Third Quarter Financial Report**
(A presentation was received at the 05-21-15 Work Session)
24. **Poverty Reduction Initiative Update - Housing Task Force**
(An update was received at the 05-21-15 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: FY2015-16 EMPLOYEE BENEFITS RECOMMENDATIONS

City Manager Bonfield deferred to Human Resource Director Regina Youngblood to provide an overview of the recommended vendors; with the exception of the health insurance proposal, which would be discussed afterwards.

Regina Youngblood, Human Resource Director, summarized all recommended benefit vendors except the health insurance proposal; she explained the RFP process and noted the various bids received from vendors; and asked if Council had questions on the recommended vendors and benefits.

At the request of Mayor Pro-Tem Cole-McFadden, Human Resources Director Youngblood explained why they were recommending Delta Dental vs. Blue Cross Blue Shield for dental coverage. She referenced the many complaints from employees regarding dental with Blue Cross Blue Shield; noted the size of Delta Dental's network far exceeded that of Blue Cross Blue Shield's dental network; noted although the administrative fee might be more for Delta Dental they felt through claims being lower and handled in network would make up the difference.

Mayor Bell stated that the item was not a public hearing; however, he would recognize comments by speakers that have signed up.

Curt Ladig, representing Delta Dental of North Carolina, stated his company's dental network allowed for broader access to dental care at affordable rates; explained his company's diverse workforce hiring practices; spoke to his company's sponsorship of the *Smiles for Kids* oral health program which called for corporate grants to fund oral health education and services to

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underserved children; and stated that a clinic, contributed to by Delta Dental, was held in Durham for children.

Mayor Bell commented on the process involving the Insurance Sub-Committee; stated the Insurance Sub-Committee had initially heard a presentation from staff but had not yet made a recommendation to the full body; stated that the item had been returned to the Insurance Sub-Committee for additional discussion; and called for the recommendation by the Chair of the Insurance Sub-Committee.

Mayor Pro-Tem Cole-McFadden, Chair of the Insurance Sub-Committee, stated the Committee consisted of Council Members Davis and Schewel and herself; noted that at the meeting last week, the majority recommendation by the committee, Council Member Davis and herself, voted to support Blue Cross Blue Shield of North Carolina as the health insurance provider.

A motion was made by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Davis, to approve Blue Cross Blue Shield of North Carolina as the health insurance provider.

Council Member Brown inquired about the availability of a minority report from the committee.

Council Member Schewel responded that he voted in support of the staff recommendation supporting the AETNA plan; and would provide his rationale at the appropriate time.

Council Member Moffitt asked for clarification on the motion asking if it was for health or dental insurance.

Mayor Pro-Tempore Cole-McFadden responded that she reported on the health portion because it had been controversial at the sub-committee level.

Mayor Bell reiterated Council was discussing the health portion of the item; noted a motion was made and seconded and discussion on the motion was in order.

Council Member Schewel appreciated the attendees from BCBS for their support; complimented the current BCBS insurance coverage being provided; noted that staff had issued an RFP where two bids were received with improved costs/benefits over the current plan; referenced estimated savings from both plans over the next three years; expressed support for the AETNA and Duke ACO plan due to the financial benefit for taxpayers and to the employees which he felt obligated to save the taxpayers money. He also commented on BCBS being the hometown company; however, his first obligation was to the taxpayers of Durham.

Council Member Brown inquired about the different proposals submitted by BCBS in past years; and stated now it has happened again. Mr. Brown stated it raises questions about the overall professionalism of BCBS and inquired why BCBS did not provide their best proposal initially.

Brad Wilson, CEO of Blue Cross Blue Shield of North Carolina, responded that the company's actions were prompted by a request of the Insurance Sub-Committee; stated the Insurance Sub-Committee members requested staff to verify the \$2.4 million figure that was favorable to BCBS; stated rework of the figures had been completed and that the documents supported the

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reevaluation; stated the BCBS proposal ranged to be \$100,000 to \$1 million better than the AETNA plan; and their common goal was to bring the highest quality of service; lowest cost to the City of Durham employees; stated Durham was Blue Cross Blue Shield's hometown and they wanted to do everything possible to bring forth the highest quality and the lowest cost product.

Council Member Brown inquired about the 2013 financial compensation package of AETNA's CEO; compared the compensation packages for CEOs of AETNA and BCBS; and questioned the actions of AETNA's board of trustees regarding their CEO's compensation.

Tracy Baker, President of AETNA for North Carolina, responded he was not in the position to comment on compensation packages for the company.

At the request of Mayor Bell, Human Resources Director Youngblood responded to the best case participation rates; stated the participation rate of AETNA/Duke ACO network was a figure tied to 70% of current city claims being processed through the Duke ACO network providers compared to BCBS's disclosure that there were currently roughly 61% of city claims running through Blue Local model as proposed. She estimated less future participation in the Blue Local product since it was more restrictive with two tiers- either in or out-of-network; stated that AETNA's plan had three tiers- the Duke ACO provider, AETNA's larger network and out-of-network; responded that 2200 employees participated in the City's health insurance program; assumed the same number of employees in the future plan but that a larger percentage would go into the Duke ACO plan, sourced from the basic and core plans; explained that at the current 70% participation rate with AETNA, there would be a 56.10% discount rate; conversely, with BCBS, the city would operate at 60% participation, Year 1 BCBS would only offer core and basic with guaranteed 53.89% discount rate guarantee; BCBS actual discount had been 50%; and in Year 2, with 60% participation in the BCBS plan, the city increased the discount rate guarantee of 54.8%.

After much discussion between the Council, AETNA and BCBS representatives, Brad Wilson, CEO of Blue Cross and Blue Shield, guaranteed the City against potential losses that may be incurred by selecting Blue Cross and Blue Shield instead over AETNA.

Mayor Bell recommended that the administration go back to review whether the City could create language in the contract to make the promise by Blue Cross Blue Shield enforceable.

Mayor Bell requested that the motion offered earlier by the Mayor Pro Tempore be withdrawn in order to allow the City Manager to review the latest proposals and come back with a recommendation at the June 4th Work Session.

MOTION by Council Member Catotti, seconded by Council Member Schewel, to approve the staff recommendations for recommended benefit vendors as outlined below (with exception of the health insurance provider); and

To authorize the City Manager to execute the contracts with the recommended benefit vendors was approved at 10:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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- Delta Dental for dental insurance
- Reliance Standard Life Insurance for basic and supplemental life, accidental death and dismemberment; and long term and short term disability
- Reliance Standard Life Insurance for stop loss insurance
- ComPsych for EAP and work/life benefits
- P&A Group for Administration of Consolidated Omnibus Budget Reconciliation Act (COBRA)
- The Laymon Group for administration of the medical and dependent care Flexible Spending Account Programs and administration of the City's Healthcare Reimbursement Arrangement
- TransAmerica for voluntary benefits (accident, cancer, critical illness, and life and disability insurance)
- Superior Vision for vision benefits
- Liberty Mutual for home, auto, and umbrella
- Hyatt Legal for prepaid legal services
- Mattioli and Associates for long term care

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT - BRIER CREEK
ASSEMBLAGE (A1400003)**

Patrick Young, Assistant Planning Director, City County Planning Department; stated the applicant was M/I Homes of Raleigh, LLC (Jeremy Medlin, VP of Land Development); the location was at Andrews Chapel Road, near intersection with Del Webb Arbors Drive and was located within the Suburban Tier; stated the request was to change 23.24 acres (2 full parcels and portions of 2 other parcels) from Commercial and Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4–8 DU/Ac.); indicated the staff recommended approval; and added that the Planning Commission recommended approval on a 10-0 vote at its April 14, 2015 meeting.

Mayor Bell opened the public hearing and stated there was one speaker to the item.

Jarrold Edens, representing the applicant, summarized the project; stated a neighbourhood meeting was held last year and he was not aware of opposition; made a proffer that considered the increase in the number of students to 121; and his client would provide \$60,500 to Durham Public Schools prior to the first final plat for the project.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Schewel, seconded by Council Member Catotti, to adopt a Resolution to change the Future Land Use from Commercial and Low Density Residential to Low-Medium Density Residential was approved at 10:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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RESOLUTION #9928

**SUBJECT: ZONING MAP CHANGE - BRIER CREEK ASSEMBLAGE (Z1400006)
BRIER CREEK ASSEMBLAGE (Z1400006)**

Patrick Young, Assistant Planning Director of the City-County Planning Department, presented the item; stated the request was to change the zoning designation of 114.17 acres located at on the south side of Andrews Chapel Road near its intersection with Del Webb Arbors Drive near the Wake County line and within the suburban development tier, from its current designation of Residential Rural to Planned Development Residential 4.793 to allow for a maximum of 500 residential units, including a mix of townhome and single-family units. The development plan associated with the request included commitments greater than ordinance standards which were detailed in the staff report for the item. These included a number of transportation improvements, such as the installation of a four foot asphalt bicycle lane along Andrews Chapel Road, and improvements associated with realigning Andrews Chapel Road and extending Brier Creek Parkway to the north.

He stated that there was an error in the staff report – Section G, entitled “Infrastructure” states that this project was estimated to increase the total number of students in Durham Public Schools by 168 students – that was incorrect – the increase was 121 students in Durham County for a total of 163 students in Durham County.

The staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on April 14, 2015 by a vote of 10-0.

Mayor Bell opened the public hearing. Being no speakers, the Mayor declared the public hearing closed.

Mr. Young requested that the proffer offered by the applicant during the previous item be included in the motion.

Council Member Schewel thanked Mr. Edens and the developer for the proffer to Durham Public Schools.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400006 out of Residential Rural (RR) and placing same in and establishing same as Planned Development Residential 4.793 (PDR 4.793); and

To accept proffer from the applicant in the amount of \$60,500 to the Durham Public Schools was approved at 10:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14756

June 1, 2015

MOTION by Council Member Schewel, seconded by Council Member Catotti, to adopt a consistency statement as required by GS 160A-383 was approved at 10:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400006, Brier Creek Assemblage

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400006, Brier Creek Assemblage, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE - 108 CELESTE PARKING LOT (Z1400032)

Patrick Young, Assistant Planning Director, presented the item; stated the proposal was a request to change the zoning designation of 0.46 acres located at 108 Celeste Circle, on the east side of Celeste Circle and north of NC 54 Highway, from its current designation of Residential Suburban – 20 to Office Institutional with a development plan for a committed parking lot. The development plan associated with the request included commitments greater than ordinance standards. The applicant had committed to develop the site as a commercial parking lot, five foot right-of-way dedication, offsite sidewalk connection, and stormwater management in excess of ordinance requirements.

The staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on April 14, 2015 by a vote of 9-2.

Mayor Bell opened the public hearing and stated there were two speakers to the item.

Proponents

Chris Selby, a citizen, expressed concerns about storm water traveling along the right-of-way; and noted the applicant was including a storm water detention facility in the project of which he appreciated and supported.

Chad Abbott, representing UNC Hospital/Summit Design, stated that the project design was intended to assist the neighborhood in providing storm water retention due to their flooding problems; noted the neighborhood meetings held; stated they had met all adopted plans for the area and requested council's support.

Opponents

Brian Stynes, a citizen, spoke in opposition to a parking lot being constructed in the residential area; stated the project did not reflect the future land use map; noted other options for parking should be explored by the applicant; and requested council deny the rezoning.

Council Member Catotti appreciated the residents' concerns; inquired about converting a parking lot to a parking deck and if it would be precluded by language that there be no building on the site; inquired about the proffer of lighting on timers; inquired about the lot tied to the building in that the building was leased; and inquired if the committed sidewalks would meet the intent of the Bicycle/ Pedestrian Advisory Commission's request.

Mr. Young confirmed that the language would be precluded; stated timed lighting fixtures were not included in the final plan; stated the ownership was an affiliate with UNC Hospitals but UNC was a tenant at the office building adjacent so there was not common ownership, but UNC made a decision to purchase the lot and was the owner through the corporation listed on the application; and stated the sidewalks met the BPAC request.

Council Member Moffitt asked if there were driveways; and if people using the parking lot would they be using Celeste Circle for entry; and inquired about parking lot buffering; inquired about the impact of lighting and stated he had heard there was an additional proffer to be added.

Mr. Young confirmed there was an access proposed off Celeste Circle; described the parking lot buffering on the development plan; and requested Mr. Abbott provide the hours of operations.

Chad Abbott provided the proffer that the developer will commence to providing lighting on timers for the parking lot for employees; confirmed it would be a gated parking lot; and stated normal business hours would be between 6:00 a.m. and 6:00 p.m. with no operation of lighting.

Steve Medlin, Planning Director, noted that timers would be required to be installed prior to a certificate of occupancy being issued on the property; requested Mr. Abbott be specific about the times of operation; and recommended 9 p.m. vs. 6 p.m. which was more reasonable for after normal business hours.

Mr. Abbott stated they would greatly appreciated 9 p.m.

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Council Member Schewel addressed the 30 foot buffer between the parking lot and the residents; and stated there was no buffer other than a few street trees between the lot and the street itself and Celeste Circle; inquired if there was consideration for a proffer for a buffer along Celeste Circle.

Mr. Abbott stated that was discussed in prior meetings the buffering on Celeste Circle but it was not requested; discussion was held on not completely shielding it from the right-of-way due to safety issues; and stated the main concern of the residents was the storm water.

At the request of Council Member Brown, Assistant Planning Director Young stated the Planning Commission vote was 9-2.

Council Member Moffitt inquired about accessing the lot to the adjacent two-story, commercial building; asked how many parking spaces would be in the lot; and inquired if there was required screening.

Mr. Young responded there would be screening required on the east and south sides but not on the Celeste Circle side.

Council Member Schewel inquired about current employees who were parking on Celeste Circle.

Mr. Stynes stated that had been an issue in the past; and currently now there were no parking signs along the street; and stated for the most part it is working.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Brown, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400032 out of Residential Suburban - 20 (RS-20) and placing same in and establishing same as Office Institutional with a development plan (OI(D)) **FAILED** at 10:31 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown and Catotti. Noes: Mayor Bell and Council Members Davis, Moffitt and Schewel. Absent: None.

SUBJECT: ZONING MAP CHANGE - PARKWAY PLAZA II (Z1400029)

Patrick Young, Assistant Planning Director, presented the item that requested to change the zoning designation of 14.74 acres located at 4215 University Drive, University Drive at Martin Luther King Jr Parkway, from Commercial Center and Commercial Center with a development plan to Commercial Center with a development plan to allow for the addition of a retail outparcel to the site. The development plan associated with the request included commitments greater than ordinance standards regarding peak hour trips, location of buildings, designation of park and ride spaces, and various pedestrian improvements at the intersection of Westgate Drive and University Drive.

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He stated the staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on April 14, 2015 by a vote of 11-0.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Jeffrey Rezeli, representing New City Design Group, stated they had been working with the owner to provide improvements on the parcel; and requested council' support.

Blake Hall, representing Timmons Group, stated he was the engineer for the project and was available to answer questions.

Being no additional speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400029 out of Commercial Center (CC) and Commercial Center with a development plan (CC(D)) and placing same in and establishing same as Commercial Center with a development plan (CC(D)) was approved at 10:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14757

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a consistency statement as required by GS 160A-383 was approved at 10:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Member Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400029, Parkway Plaza II

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

June 1, 2015

That final action regarding zoning map change Z1400029, Parkway Plaza II, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE - NORTH MANGUM RESIDENTIAL (Z1400042)

Patrick Young, Assistant Planning Director, stated the item was a request to change the zoning designation of 0.86 acres located at 809 and 811 North Mangum Street and 804 Glendale Avenue, from Commercial General, Residential Urban- 5, and Residential Urban – Multifamily to Commercial Neighborhood and Residential Urban-Multifamily. If approved as requested, the action would allow for the development of single family housing along Mangum Street, which is prohibited by the current CG zoning, and for the development of up to 4 dwelling units along Glendale Avenue. There was no development plan associated with the request.

The staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on April 14, 2015 by a vote of 10-1.

Earlier in the meeting, City Clerk Gray stated a protest petition had been filed and ruled insufficient.

Council Member Schewel inquired about the area south of development where a greenway was potentially located.

Mr. Young stated the proposed greenway would not go on to the subject property, but would confirm that.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Dan Jewell, representing the applicant, stated the project was downzoning a piece of general commercial along Mangum Street to CN which was a much less intrusive type zoning and would allow for single family residential; and stated this would clean up a zoning along the western side of the property, which it would allow one more residential unit to be built. Mr. Jewell asked the council to support the rezoning request.

Council Member Catotti inquired about the rationale behind not providing a development plan; inquired about how concerns would be addressed from the Bike & Pedestrian Commission; and asked about the bike/pedestrian connection from Glendale.

Mr. Jewell responded that they did submit a development plan with the original application last fall; on first review of the development plan, NCDOT was going to restrict them to one or two

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driveways off of Mangum Street even though four driveway cuts exist today; stated NCDOT stated if a rezoning application was submitted with a development plan, they had the right to be able to restrict that. Mr. Jewell stated that if sidewalks were damaged along Mangum, they would be repaired as part of the project; stated they were not sure why Glendale was a cul-de-sac; the scope of the project was not enough to remove the cul-de-sac; and the applicant would provide bike parking at each of the homes he constructed.

Tommy Tucker, resident on Mangum Street, spoke as a proponent for the project due to the lot being vacant for years; referenced development in the area; noted that the proposal, along with other development in the area, was helping lower criminal activity in the neighborhood; and requested council to vote in support of the item.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Brown, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400042 out of Commercial General (CG), Residential Urban- 5 (RU-5), and Residential Urban – Multifamily (RU-M) and placing same in and establishing same as Commercial Neighborhood (CN), and Residential Urban-Multifamily (RU-M) was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14758

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt a consistency statement as required by GS 160A-383 was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400042, North Mangum Residential

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

June 1, 2015

That final action regarding zoning map change Z1400042, North Mangum Residential, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE - CIRCLE K AT DUKE STREET (Z1400035)

Patrick Young, Assistant Planning Director, stated the request was to change the zoning designation of a 3.82 acre parcel from OI and OI(D) to MU(D) to allow for between 9 to 29 residential units and between 22,400 to 25,000 square feet of commercial space. The site was located at the northeast quadrant of North Duke Street at Frasier Street. The development plan included commitments in excess of UDO standards, which were detailed in the staff report with the item, including installation of a bus shelter and deployment of pedestrian improvements at Duke and Frasier Streets.

The staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; the request was heard by the Planning Commission on April 14, 2015 and approved, 9-2.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Attorney Patrick Byker, representing the applicant, spoke to the mixed-use development consisting of a top quality convenience store; a sit down restaurant and 9 to 20 residential units; stated community meetings were conducted; referenced their committed element to upgrade the corners at Duke and Frasier with pedestrian signalization; and recognized the neighbors in support of the project.

John Wretman, resident of North Winston Road, noted that development had been focused in Downtown and in areas near Duke with little development occurring along North Duke Street; and encouraged council's support of the project.

Alice Stevens, a resident of Newsom Street; stated that the project incorporated residential area into a comprehensive plan with retail; and favored having a restaurant nearby.

Being no additional speakers, Mayor Bell declared the public hearing closed.

The planning staff addressed questions raised by Council Member Moffitt on what the staff's recommendation would be if the convenience store and restaurant came in separately; a letter from NCDOT pertaining to vehicular access to Frasier; and if there was a commitment to regarding building materials.

Council Member Catotti spoke to the mixed-use ordinance needing to be updated; expressed concerns that the project met the bare minimum between the two uses, did not allow for much

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integration and that there were not commitments to make a beautiful gas station; and said she would be voting against the item.

Mayor Pro-Tempore Cole-McFadden voiced support for the rezoning and indicated that residents in northern Durham have been wanting a restaurant for a very long time.

Attorney Patrick Byker referenced a letter of intent from the Chef at Geer Street Garden regarding another Durham based restaurant.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400035 out of Office and Institutional (OI) and Office and Institutional with a Development Plan (OI(D)) and placing same in and establishing same as Mixed Use with a Development Plan (MU(D)) was approved at 10:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown and Davis. Noes: Council Members Catotti, Moffitt and Schewel. Absent: None.

ORDINANCE #14759

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 was approved at 10:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400035, Circle K at Duke Street

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400035, Circle K at Duke Street, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

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SUBJECT: CONSOLIDATED ANNEXATION – HOPSON ROAD SELF-STORAGE CENTER

Patrick Young, Assistant Planning Director, presented the item that consisted of a consolidated annexation, initial zoning and utility extension agreement item for 14.8 acres of property located at 4812 Hopson Road and adjacent right of way which if approved would allow for the development of up to 400,000 square feet of non-residential development. The request also includes a comprehensive plan amendment.

Mr. Young stated the utility extension agreement would allow the applicant to serve the development with City water and sewer service. The Public Works Department had determined that offsite utility improvements were not required and that adequate utility infrastructure exists to serve this development. Second, there was a voluntary petition for annexation. The Budget and Management Services Department had performed a Fiscal Impact Analysis based on the most intense use permitted within the proposed initial zoning. The analysis projected that estimated revenues would exceed estimated expenditures following annexation; and third, a plan amendment Case A1400010 to amend the future land use map from its current designation of Office to Commercial. The staff supported the request and the Planning Commission recommended approval by a vote of 10-0 at their April 14, 2015 meeting.

The City Council was required to apply an initial zoning to newly annexed property. Case Z1400038 was the requested initial zoning of Commercial General with a development plan for the subject property; which would allow up to 400,000 square feet of nonresidential development. He stated the development plan included commitments in excess of UDO standards, which were detailed in the staff report with the item, including right-of-way dedication along Hopson Road and a limitation on the number of peak hour vehicular trips generated by uses on the property.

The staff recommended that the Council approve the extension agreement, voluntary annexation, plan amendment, and initial zoning for Hopson Road Self-Storage Center and adopt a consistency statement; and the Planning Commission recommended approval of the initial zoning by a vote of 10-0 on April 14, 2015.

Council Member Moffitt inquired about the type of fencing.

Mr. Young confirmed the fencing would have the appearance of being rod-iron.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Ronald Horvath, representing the applicant, confirmed the fencing was rod-iron looking but comprised of aluminum or the like; acknowledged the tier change in compact neighborhood was coming in the future; and that the project provided a good transition; stated they have limited to 150 peak hour trips; and asked for Council's support.

Council Member Catotti inquired if the developer could provide a six foot rather than eight foot fence.

Mr. Horvath responded that for security purposes, an eight foot fence was preferred.

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Council Member Moffitt inquired about the right-of-way for bike lanes as requested by the BPAC; and asked for clarification on what exactly was being proffered.

Mr. Horvath stated that the entire frontage was not required for right-of-way dedication; stated that the Bike Pedestrian Commission asked if there were road improvements to construct bike lanes in the road; stated there were no road improvements; however, they were dedicating the additional right-of-way along the section of Hopson.

Mr. Young confirmed that there were no associated roadway improvements; and they do not normally request bike lanes; which was a request by the Bicycle Pedestrian Commission.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to enter into a water and sewer extension agreement with Stackhouse Properties, LLC;

To adopt an Ordinance Annexing the Hopson Road Self-Storage Center development (case BDG1400012) into the City of Durham effective June 30, 2015;

To adopt a Resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Office to Commercial (case A1400010); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400038 out of Industrial Light with a development plan (IL(D)), Residential Rural (RR) and Commercial Neighborhood (CN) (County Jurisdiction) and placing same in and establishing same as Industrial Light with a development plan (IL(D)) and Commercial General with a development plan (CG(D)) (City Jurisdiction) was approved at 11:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**ORDINANCE #s 14760 & 14761
RESOLUTION #9929**

MOTION by Council Member Schewel, seconded by Mayor Pro Tempore Cole-McFadden, to adopt a consistency statement as required by NCGS 160A-383 was approved at 11:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400038, Hopson Road Self-Storage Center

June 1, 2015

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400038, Hopson Road Self-Storage Center, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

**SUBJECT: STREET CLOSING – RIDGEWAY ROAD AND RIDGEWAY COURT
(SC1500001, -2)**

Patrick young, Assistant Planning Director, stated that Edens Land Corporation proposed to close 87,012 square feet of public right of way, which includes a portion of Ridgeway Road and all of Ridgeway Court.

The right-of-way was currently open and the portion of the street requested for closure was bordered by property owned entirely by SLV NC 2, LLC. If the request was approved, the portion of the right-of-way would be recombined with the adjacent properties owned by SLV NC 2, LLC. The request was reviewed by emergency service providers, utility providers and City Departments and no negative impacts were identified; and stated the staff recommended approval.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Jarrod Edens, representing Edens Land Corp, stated that the street closing was necessary to implement a development plan approved last year.

Chris Selby, resident in the area, spoke in favor of the project, but did express concerns about the roadway in his neighborhood at Celeste Circle along with the connection with Crossland Drive; and referenced a small section of land belonging to the Corps of Engineers.

Assistant Planning Director Patrick Young stated as part of the development plan for the Carolina Crossing Subdivision, the Crossland Drive connection would have to be made all the way through the project.

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Bill Judge, Engineer in the Transportation Department, responded to the Crossland Drive inquiry by stating that the developer would be required to reestablish the connection at Crossland Drive and that the applicant might be able to provide information regarding negotiations with the Corps of Engineers about getting permission to build the right-of-way; and stated there was an existing sixty foot right-of-way they would be utilizing.

Council Member Moffitt inquired that if an agreement could not be reached with the Corps of Engineers, what would be the result.

Mr. Judge acknowledged that the development plan would need to be amended.

Steve Medlin, Planning Director, confirmed Mr. Judge's statement; and stated that any deviation from the development plan would require a new rezoning of the property which would mean Council would need to reconsider the item.

Jarrold Edens, representing the applicant, stated that he was unaware of any issues of obtaining right-of-way.

Brian Stynes, resident in the area, requested clarification of which streets would be removed or closed.

Mr. Edens provided information to Mr. Stynes on the streets to be removed.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Council Member Brown, to adopt an order for the permanent closing of 87,021 square feet of public right-of-way was approved at 11:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Member Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14762

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: DURHAM-CHAPEL HILL BOULEVARD (BUSINESS 15-501) ROAD RECONFIGURATION PROJECT

To request the North Carolina Department of Transportation reconfigure the pavement markings on Durham-Chapel Hill Boulevard between Chapel Hill Road and University Drive from five lane vehicle cross section to a three-lane vehicle cross section consisting of one center turn lane, one travel lane in each direction, one bicycle lane in each direction and bus pull-outs; and on-street parking accommodations.

Mark Ahrendsen, Director of Transportation, presented the item; summarized the project to involve re-striping of the roadway to provide three travel lanes rather than the existing five; and stated the project included a bike lane and 21 additional parking space on one side of the street.

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Mayor Bell recognized the following citizens for comments:

Susan Sewell, resident in the area, stated she was a proponent of the redesign of the roadway for safety and commercial reasons; and expressed support for future sidewalks.

David Stevenson, representing Tuscaloosa Neighborhood Association, expressed support for the item; spoke to difficulties in accessing commercial areas along the boulevard without a vehicle; and supported making the area walkable and bike friendly.

Laura Hall, owner Refectory Café, opposed the proposed road diet; displayed a petition from homeowners and commercial owners in the area; and requested Council to consider not going forward with proposal.

Blake Addison, owner of Classic Treasures, expressed opposition regarding the road modification that would shrink the roadway down to two lanes; suggested installing a stop light at Hope Valley Road and 15-501 to break the traffic speeds; and indicated that the road diet would impact his and other businesses.

Wayne Lee, owner of Hair by Design, stated he opposed the roadway change; concurred that the change would impact the businesses; expressed concerns about speeding along the boulevard and suggested more police monitoring; spoke in support of a traffic light at Hope Valley Road; and stated the bike lane would be hazardous.

A citizen representing Bike Durham, spoke in support of biking to businesses along that portion of the boulevard; and encouraged Council to support the redesign of the roadway.

Council Member Catotti appreciated the concerns of the business owners; stated she frequented the shops and restaurants along that roadway; expressed support for redesign that would encourage additional patrons; asked staff if further evaluation could be conducted with traffic counts and signal studies; and spoke in support of loading areas, parallel parking and sidewalks.

Director of Transportation Mark Ahrendsen responded that Transportation had conducted a signal study and the road had met volume threshold; and that his staff would continue their work with NCDOT regarding the installation of crosswalks.

Council Member Moffitt thanked the business owners for their participation; referenced crash rates and speeding violations; addressed the propensity to speed by vehicular traffic; stated that police being stationed in the area was not a solution to the problem; inquired about the ability to reverse the decision to restripe after a period of time; and stated he was in support of the proposal recommended.

Council Member Schewel summarized crash rates and concluded that the road was dangerous; stated the restriping would enhance vehicular safety; supported bike lanes; expressed concern about making left turns when exiting business areas; and supported NCDOT for contributing to the project.

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Council Member Brown expressed concern that the status quo was not working; inquired about the number of signatures on the petition referenced by the business owner, in attendance; confirmed the plan would allot twenty-one parking spaces; and inquired about the process used to contact the business owners.

Director of Transportation Mark Ahrendsen stated that a public meeting was held to involve stakeholders into the decision making process on April 7th; and noted a summary of comments was included in the agenda item's backup materials.

Mayor Bell expressed concerns about the proposal and its impact on businesses along the corridor; referenced the businesses were not supporting the redesign; stated the re-restriping would cost the city; spoke in support of stoplights to slow traffic; and stated he could not support the project.

Council Member Davis inquired if the item could be delayed for another cycle to allow for more businesses to provide their input.

MOTION by Council Member Davis, seconded by Mayor Pro-Tempore Cole-McFadden, to delay the item for one cycle.

Council Member Moffitt inquired with staff about the impact of delaying the project for two weeks; and expressed concerns regarding the number of items on the upcoming agenda.

Director of Transportation Mark Ahrendsen responded that if a decision was not made within two weeks, the City would lose the NCDOT contract; that a final decision was due by end of May; and that the City needed to submit final striping plans by July 1st.

Council Member Catotti explained that the restriping was a win-win for all; emphasized that the roadway could bear that amount of vehicular traffic; and proposed a substitute motion.

SUBSTITUTE MOTION by Council Member Catotti, seconded by Council Member Schewel, to approve the recommendation by staff.

Director of Transportation Mark Ahrendsen stated the road was scheduled to be resurfaced by NCDOT regardless; but a decision on pavement markings was required to be made by Council.

Council Member Brown proposed to move forward with NCDOT in terms of resurfacing and to come back and let them know how the stripes should occur.

Council Member Moffitt requested clarification on Council Member Brown's suggestion; asking that if Council waited six weeks, what could result.

Director of Transportation Mark Ahrendsen responded that it would be striped as it currently was; and that the final pavement marking plan was due to NCDOT by July 1st if it was to be any different as it was striped currently.

Council Member Catotti requested a decision be made on either five lanes versus three.

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Council Member Moffitt addressed Council Member Brown and restated his motion that indicated that Council was postponing the decision by two weeks.

Council Member Brown concurred; and expressed the desire to move ahead with the resurfacing.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Council Member Brown, seconded by Mayor Pro-Tempore Cole-McFadden, to move forward with NCDOT in terms of resurfacing Durham-Chapel Hill Boulevard between Chapel Hill Road and University Drive;

To delay a decision on the road reconfiguration/pavement markings (3 lanes or 5 lanes) until June 15, 2015 was approved at 11:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown and Davis. Noes: Council Members Catotti, Moffitt and Schewel. Absent: None.

There being no further business to come before Council, the meeting was adjourned at 11:53 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk